



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/672,828
Filing Date: September 26, 2003
Applicant: Fred C. Porter
Group Art Unit: 3681
Examiner: Tisha D. Lewis
Title: ON-DEMAND ALL-WHEEL DRIVE SYSTEM
Attorney Docket: 6978-000225/COB

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**STATEMENT OF COMMON OWNERSHIP OF PRIOR ART CITATION AND
INVENTION TO DISQUALIFY PRIOR ART UNDER 35 U.S.C. § 103(c)**

35 U.S.C. § 103 Condition for Patentability; Non-Obvious Subject Matter.

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required

by 35 U.S.C. 103(c)” [OG: December 26, 2000, pages 96-97] the following is stated to be the policy on what evidence is needed to establish common ownership, or an obligation to the same person: “Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the Examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the Applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

“This policy is being changed in order to simplify the examination and processing of requests for the exclusion of prior art under 35 U.S.C. 103(c). The Applicant(s) or the representative(s) of record have the best knowledge of the ownership of their application(s) and reference(s), and their statement of such is sufficient evidence because of their paramount obligation of candor and good faith to the USPTO.” See also MPEP, § 706.02(I)(2), 8th Edition.

1. The above identified application and the citation U.S. Patent No. 6,378,682 to inventors Sankar K. Mohan, Timothy M. Burns, and Fred C. Porter and assigned to New Venture Gear, Inc. were, at the time the invention of this application was made, owned by the same entity: New Venture Gear, Inc.

2. ☒ In addition, Applicant submits the following evidence of common ownership:

Assignment of the present application is of record in prior Application No. 10/083,941 (now U.S. Patent No. 6,626,787). The Assignment is to New Venture Gear, Inc. and is recorded at Reel 012780, Frame 0617. Assignment of U.S. Patent No. 6,378,682 is also to New Venture Gear, Inc. and is recorded at Reel 011896, Frame 0848.

Respectfully submitted,

Dated: June 2, 2004

By: Ryan W. Massey
Ryan W. Massey, Reg. No. 38,543

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | |
|---|------------------------|--------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/672,828 |
| | Filing Date | September 26, 2003 |
| | First Named Inventor | Porter |
| | Art Unit | 3681 |
| | Examiner Name | Tisha D. Lewis |
| Total Number of Pages in This Submission | Attorney Docket Number | 6978-000225/COB |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Common Ownership; return receipt postcard |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-------------------------|----------------------------------|---------------------------------|--------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name Ryan W. Massey | Reg. No. 38,543 |
| Signature | | | |
| Date | June 2, 2004 | | |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|----------------|------------------------|------------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Ryan W. Massey | Express Mail Label No. | EV 533 149 096 US (6/2/2004) |
| Signature | | Date | June 2, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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